

JS 44C/SDNY  
REV. 7/2012

JUDGE FAILLA

**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

**14 CV 7222**

**PLAINTIFFS**

DRESSER-RAND COMPANY, DRESSER-RAND CANADA, INC., AND  
DRESSER-RAND GROUP INC.

## **DEFENDANTS**

**INGERSOLL RAND COMPANY, AND INGEROSLL RAND COMPANY  
LIMITED**

**ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**

**ATTORNEYS (IF KNOWN)**

Hodgson Russ LLP  
1540 Broadway, 24th Floor  
New York, New York 10036      212-751-4300

**CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)**  
**(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)**

28 U.S.C. 1332 - Diversity Jurisdiction (Breach of Contract); 28 U.S.C. 2201 (Declaratory Judgment)

Has this or a similar case been previously filed in SDNY at any time? No  Yes  Judge Previously Assigned

If yes, was this case Vol.  Invol.  Dismissed No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

IS THIS AN INTERNATIONAL ARBITRATION CASE? No  Yes

(PLACE AN [x] IN ONE BOX ONLY)

#### **NATURE OF SUIT**

TORTS

#### **ACTIONS UNDER STATUTES**

#### **OTHER STATUTES**

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 362 PERSONAL INJURY - MED MALPRACTICE	[ ] 610 AGRICULTURE	[ ] 422 APPEAL	[ ] 400 STATE REAPPORTIONMENT
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT LIABILITY	[ ] 365 PERSONAL INJURY PRODUCT LIABILITY	[ ] 620 OTHER FOOD & DRUG	[ ] 423 WITHDRAWAL	[ ] 410 ANTITRUST
[ ] 130 MILLER ACT			[ ] 625 DRUG RELATED	28 USC 157	[ ] 430 BANKS & BANKING
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 320 ASSAULT, LIBEL & SLANDER	[ ] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	SEIZURE OF PROPERTY		[ ] 450 COMMERCE
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY		21 USC 881		[ ] 460 DEPORTATION
[ ] 151 MEDICARE ACT	[ ] 340 MARINE LIABILITY	<b>PERSONAL PROPERTY</b>	[ ] 630 LIQUOR LAWS	<b>PROPERTY RIGHTS</b>	[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT
[ ] 152 RECOVERY OF DEFECTUALTED STUDENT LOANS (EXCL VETERANS)	[ ] 345 MARINE PRODUCT LIABILITY	[ ] 370 OTHER FRAUD	[ ] 640 RR & TRUCK	[ ] 820 COPYRIGHTS	[ ] 480 CONSUMER CREDIT
	[ ] 350 MOTOR VEHICLE	[ ] 371 TRUTH IN LENDING	[ ] 650 AIRLINE REGS	[ ] 830 PATENT	[ ] 490 CABLE/SATELLITE TV
	[ ] 355 MOTOR VEHICLE PRODUCT LIABILITY	[ ] 380 OTHER PERSONAL PROPERTY DAMAGE	[ ] 660 OCCUPATIONAL SAFETY/HEALTH	[ ] 840 TRADEMARK	[ ] 810 SELECTIVE SERVICE
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[ ] 360 OTHER PERSONAL INJURY	[ ] 385 PROPERTY DAMAGE PRODUCT LIABILITY	[ ] 690 OTHER	<b>SOCIAL SECURITY</b>	[ ] 850 SECURITIES/ COMMODITIES/ EXCHANGE
[ ] 160 STOCKHOLDERS SUITS			<b>LABOR</b>		[ ] 861 HIA (1395ff)
[x] 190 OTHER CONTRACT			[ ] 710 FAIR LABOR STANDARDS ACT	[ ] 862 BLACK LUNG (923)	[ ] 875 CUSTOMER CHALLENGE
[ ] 195 CONTRACT PRODUCT LIABILITY	<b>ACTIONS UNDER STATUTES</b>	[ ] 510 MOTIONS TO VACATE SENTENCE	[ ] 720 LABOR/MGMT RELATIONS	[ ] 863 DIWC/DIWV (405(g))	[ ] 884 SSID TITLE XVI
[ ] 196 FRANCHISE	<b>CIVIL RIGHTS</b>	20 USC 2255	[ ] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT	[ ] 864 RSI (405(g))	[ ] 885 OTHER STATUTORY ACTIONS
	[ ] 441 VOTING	[ ] 530 HABEAS CORPUS	[ ] 740 RAILWAY LABOR ACT		[ ] 891 AGRICULTURAL ACTS
	[ ] 442 EMPLOYMENT	[ ] 535 DEATH PENALTY	[ ] 790 OTHER LABOR		[ ] 892 ECONOMIC STABILIZATION ACT
	[ ] 443 HOUSING/ ACCOMMODATIONS	[ ] 540 MANDAMUS & OTHER	LITIGATION	[ ] 870 TAXES (U.S. Plaintiff or Defendant)	[ ] 893 ENVIRONMENTAL MATTERS
<b>REAL PROPERTY</b>			[ ] 791 EMPL RET INC SECURITY ACT	[ ] 871 IRS-THIRD PARTY	[ ] 894 ENERGY ALLOCATION ACT
[ ] 210 LAND CONDEMNATION	[ ] 444 WELFARE			26 USC 7609	[ ] 895 FREEDOM OF INFORMATION ACT
[ ] 220 FORECLOSURE	[ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	<b>PRISONER CIVIL RIGHTS</b>			[ ] 900 APPEAL OF FEE DETERMINATION
[ ] 230 RENT LEASE & EJECTMENT	[ ] 446 AMERICANS WITH DISABILITIES - OTHER	[ ] 550 CIVIL RIGHTS	[ ] 462 NATURALIZATION APPLICATION		UNDER EQUAL ACCESS TO JUSTICE
[ ] 240 TORTS TO LAND	[ ] 440 OTHER CIVIL RIGHTS (Non-Prisoner)	[ ] 555 PRISON CONDITION	[ ] 463 HABEAS CORPUS- ALIEN DETAINEE		[ ] 950 CONSTITUTIONALITY OF STATE STATUTES
[ ] 245 TORT PRODUCT LIABILITY			[ ] 465 OTHER IMMIGRATION ACTIONS		
[ ] 290 ALL OTHER REAL PROPERTY					

***Check if demanded in complaint:***

**CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23**

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

**DEMAND \$** in excess of \$75,000    **OTHER** declaratory relief    **JUDGE** \_\_\_\_\_

*Check YES only if demanded in complaint*

**NOTE:** Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN X IN ONE BOX ONLY)

**ORIGIN**

- 1 Original Proceeding     2 Removed from State Court     3 Remanded from Appellate Court     4 Reinstated or Reopened     5 Transferred from (Specify District)     6 Multidistrict Litigation     7 Appeal to District Judge from Magistrate Judge Judgment
- a. all parties represented  
 b. At least one party is pro se.

(PLACE AN X IN ONE BOX ONLY)

**BASIS OF JURISDICTION****IF DIVERSITY, INDICATE**

- 1 U.S. PLAINTIFF     2 U.S. DEFENDANT     3 FEDERAL QUESTION     4 DIVERSITY  
(U.S. NOT A PARTY)

**CITIZENSHIP BELOW.**

(28 USC 1332, 1441)

**CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[ ] 1	[ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[ ] 3	[X] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[ ] 5	[ ] 5
CITIZEN OF ANOTHER STATE	[X] 2	[ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4	[ ] 4	FOREIGN NATION	[ ] 6	[ ] 6

**PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)**

10205 Westheimer, Suite 1000  
Houston, Texas 77042

**DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)**

800-E Beaty Street  
Davidson, NC 28036

Registered Agent:  
820 Bear Tavern Rd, West Trenton, NJ 08628

**DEFENDANT(S) ADDRESS UNKNOWN**

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO:     WHITE PLAINS     MANHATTAN  
(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 09/05/14 SIGNATURE OF ATTORNEY OF RECORD

*Maryann Curran*

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

 YES (DATE ADMITTED Mo. 4 Yr. 2002 )  
Attorney Bar Code #

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ **MAG DOLINGER** is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)